



Indiana Judicial Nominating Commission

30 South Meridian Street, Suite 500
Indianapolis, IN 46204
(317) 232-4706

Application for the Indiana Supreme Court

The application for the Spring 2016 vacancy on the Indiana Supreme Court includes two parts. Both Part One and Part Two must be completed. Part Two *must* be provided separately as directed in the instructions. Answers in Part One and Part Two are a matter of public record and will be supplied to the media and public upon request. However, only answers in Part One may be posted online by the Indiana Judicial Nominating Commission.

Part One, Sections 1-11

1. Contact/General Information

A. Full legal name and any former names.

Steven Roy Nation

B. State the full name (use initials for minor children), age, and relationship of each person residing in your household. For each adult living in the household (other than yourself), also state the person's occupation and employer.

Margaret Ann (Peggy) Nation, 62, Spouse, Part-time Deputy Clerk for the Hamilton County Clerk, Noblesville, Indiana 46060

C. Business address, email, and telephone number.

**Hamilton Superior Court No. 1
One Hamilton County Square, Suite 345
Noblesville, IN 46060
Steven.Nation@hamiltoncounty.in.gov
(317) 776-9655**

D. Attorney number.

My Attorney Number is 9572-29

E. Month and year you were admitted to the Indiana Bar.

I was admitted to the practice of law in Indiana and the federal system on October 21, 1975. I was admitted before the United States Supreme Court, Washington, D.C. on December 19, 1979.

- a. Indicate current law license status, i.e. active/inactive/retired.

My current law license is active.

- b. If you are or have been a member of the Bar of any other state, identify the jurisdiction and provide date(s) of admission and current license status.

I have never been admitted as a member of the Bar of any other state.

- F. Date and place of birth.

March 15, 1950 in Indianapolis, Indiana.

- G. County of current residence and date you first became a resident.

I currently reside in Hamilton County and have been a resident since 1977.

2. Secondary Education/Military Experience

- A. List all undergraduate colleges and universities you attended. Include the school name; dates enrolled; degree or certificate earned; and any academic honors, awards, or scholarships you received and when.

Indiana University, Indianapolis Extension	1968-1969	Transferred to Bloomington
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Indiana University, Bloomington, Indiana	1969-1972	A.B. Political Science Minors in Math and History
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- B. Include with your original application a certified transcript from each school named in Subsection 2A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

(See Transcript Tab)

- C. If applicable, list any military service. Include the name of the military branch; dates of service; last rank achieved; and any honors, awards, or commendations received and when. Attach a copy of your Certificate of Release or Discharge from active duty ("DD 214" paperwork).

Not applicable

3. Post-Secondary Education

- A. List all law schools, graduate schools, and post-J.D. programs attended. Include the school name; dates enrolled; degree or certificate earned; class rank; and any academic honors, awards, or scholarships you received and when.

University of Puget Sound School of Law Tacoma, Washington	1972-1973	Transferred to Indiana University School of Law Indianapolis, Indiana
Indiana University School of Law Indianapolis, Indiana	1973-1975	J.D.
Attorney and Prosecutors Continuing Legal Education	1976-1995	Various Courses
University of Virginia School of Law FBI National Law Institute	1993	Prosecution Course
National Judicial College Reno, Nevada	1994	General Jurisdiction Course
National Judicial College Reno, Nevada	1996	Decision Making Course
Judges Continuing Legal Education	1995-present	Various Courses
Indiana Judicial College	2004	Judicial Courses Graduate

I received an award for the highest grade in Criminal Procedure from Professor Andrew Kerr at Indiana University School of Law at Indianapolis in 1975.

I was honored to receive the *Amici Universitatis* from the University of Indianapolis for serving as an Adjunct Professor and teaching for 10 years in 1994.

- B. Include with your original application a certified transcript from each school named in Subsection 3A, and attach copies of each transcript to each application copy. (If your social security number is on your transcripts, redact it *before* copying.)

(See Transcript Tab)

4. Employment

- A. Provide your employment history since graduation from college. Include name of employer, titles or positions, locations, and dates of employment.

Hamilton County Prosecutor's Office
Noblesville, Indiana
Investigator, May 1972 through September, 1972

Hamilton County Prosecutor's Office, Internship Program
Noblesville, Indiana
Special Deputy Prosecutor 1974 through 1975

Campbell Kyle Proffitt, LLP
Noblesville, Indiana
Law Clerk
May, 1975 through November, 1975

Kitley Schreckengast & Davis
Beech Grove, Indiana
Attorney/General Practitioner in civil and criminal cases, representing both plaintiffs and defendants
November, 1975 through February, 1977

Hamilton County Prosecutor's Office
Noblesville, Indiana
Chief Trial Deputy Prosecutor
February, 1977 through December, 1978

Hamilton County Prosecutor's Office
Noblesville, Indiana
Prosecuting Attorney
January, 1979 through December, 1994 (Elected 4 times to 4-year terms)

University of Indianapolis
Indianapolis, Indiana
Adjunct Professor, Paralegal Studies: Legal Research and Writing, Business Law (Master's Program), and a course concerning the Civil Rights Act, September 1984-May, 1994

Hamilton Superior Court No. 1
Noblesville, Indiana
Judge
January, 1995 to present (Elected 4 times to 6-year terms)

- B. If applicable, describe the nature and extent of your practice of law (present and former), and provide the names of your partners, associates, office mates, and employers.

Investigator for the Hamilton County Prosecutor's Office: Prior to entering law school, I served as an Investigator. I received and reviewed all Citizen Complaints and when appropriate, initiated and coordinated criminal investigations through the proper police agencies. I reviewed all Investigatory Reports and worked with the police agencies to determine whether charges should be filed or if additional investigation was warranted. When charges were filed, I drafted the Charging Information and Probable Cause Affidavit for presentation to the Prosecutor/Deputy Prosecutor for filing with the court. My associates were Arvin Foland, Gregory Caldwell, and Richard Hand. My employer was Hamilton County with Prosecuting Attorney C. Donald Dawson.

Special Deputy Prosecutor in Hamilton County: Through an internship program while in law school, I served in the position of Special Deputy Prosecutor. In addition to the duties shown above, I tried 140 Bench Trials. Toward the end of my employment I developed a procedure for and conducted Grand Jury proceedings. I also developed a procedure for the Justices of the Peace to determine whether probable cause existed for the arrest and further detention of individuals and a procedure for the Court to conduct Arraignments (now called Initial Hearings) for individuals who were arrested in Hamilton County. My associates were Arvin Foland, Gregory Caldwell, David Northam, Perry Meek, Michael Farrar, Thomas Fitzgerald, Charles J. Posvar, Bryan J. Bernstein, and Thomas Whitsitt. My employer was Hamilton County with Prosecuting Attorney C. Donald Dawson.

Law Clerk, Campbell Kyle Proffitt, Noblesville, Indiana: After graduating from law school and while preparing for the Bar, I worked as a Law Clerk. I performed research and investigated and reviewed potential and existing civil and criminal lawsuits for all of the partners in the firm. In addition, I was assigned to John Kyle, then Noblesville City Attorney, and I drafted ordinances for the City of Noblesville. The partners in this firm were Frank Campbell, Robert Campbell, John Kyle, John Proffitt, Stephen Cook, and Douglas Floyd. My employer was the law firm.

Attorney/General Practitioner, Kitley Schreckengast & Davis, Beech Grove, Indiana: Upon passing the Bar, I accepted a position with the law firm. I met with civil and criminal clients and drafted pleadings and/or required documents. I performed research and investigated and reviewed potential and existing civil and criminal lawsuits for all partners in the firm. In addition to being assigned various case files from the partners, I acquired my own clients and maintained a client list of approximately 125 individuals or entities. The law firm represented several insurance companies, and it was my responsibility to file suit for or defend those individuals who were insured by companies in various negligence cases. I was assigned to a partner to help in the presentation of cases, but I also assisted as needed in hearings, bench, and jury trials. Some areas of law in which I represented plaintiffs or defendants were: contracts, negligence, zoning, real estate (purchase and sales contracts, issued title opinions, deeds and closing documents, etc.), criminal defense, probate and estate planning, and dissolution matters. I conducted discovery and all pretrial matters for these cases. I tried numerous bench trials in Marion and other counties and one criminal jury trial in

Hendricks County. The partners were John Kitley, William Schreckengast, Glenn Davis, Jr., and Milo Gray. My employer was the law firm.

Chief Trial Deputy Prosecutor in Hamilton County: The Prosecutor of Hamilton County offered me a position to return to the Prosecutor's office to serve as the Chief Trial Deputy. My responsibility was to personally try pending jury and bench trials and to coordinate and assist other deputy prosecutors in their trial preparation. In addition to some of the above-stated duties performed in the Prosecutor's office, I met with law enforcement agencies to review reports and prepare pending cases for trial. I established a procedure for the office to assist police during their investigations. Previously, the procedure was to have the police independently investigate without communication with the prosecutor and then present their investigation to the prosecutor for review. This procedure was inefficient and fostered inequities in the system. I believed that if a prosecutor could be involved with the police in the initial stages of the investigation, the police would have the resources to assist them in establishing a better case and/or eliminate a possible unnecessary arrest of an individual and the filing of an unwarranted Charging Information. I determined whether charges should be filed in a case, and if so, drafted the Charging Information and related pleadings or presented the matter to the Grand Jury. My associates were Arvin Foland, Stephen K. Andrews, and Joseph P. Murdock. My employer was Hamilton County with Prosecuting Attorney C. Donald Dawson.

Prosecuting Attorney of Hamilton County: When the Prosecuting Attorney retired, I decided to run for my first election to public office. I successfully ran my campaign in this contested election to become the Hamilton County Prosecuting Attorney at the age of 28. I was honored to have been elected by the citizens of Hamilton County to continue to serve a total of 4 terms in office. I tried 57 jury trials and attained 57 convictions. I also tried numerous bench trials attaining convictions and conducted all pretrial matters and hearings concerning the cases. I established training for police and fire agencies in procedures to be used at crime scenes and for presentation of evidence in the courtroom. I also established a procedure for the office involving all major felony investigations in which either myself or a deputy was on-call to assist police. I selected and trained police officers in each of the major police departments to review their officers' investigations before presentation to the Prosecutor's Office. This resulted in better preparation of cases.

In administering the Prosecutor's office, I coordinated the office with police agencies and other Hamilton County, city, town and township elected officials and other state agencies. I provided civil enforcement for various agencies pursuant to statute (Health Department, Trustees office, etc.). I also coordinated with emergency room personnel and hospital staff concerning evidentiary issues and conducted training for proper procedures and methods to be used in regards to mental commitment cases.

I argued before the Indiana Court of Appeals and Supreme Court to uphold convictions and in support of the constitutionality of the Grand Jury statute. I served as a Special Prosecutor in several counties throughout the State of Indiana. I held all offices, including Chairman, of the Prosecuting Attorneys Council.

As an elected official assigned to protect the citizens of Hamilton County, I also felt it was my responsibility to go outside of the office and the courtroom and to interact with the community. I coordinated with school personnel extensively as to their needs in maintaining children in school and handling disruptions in the classroom. I helped create and obtain funding for Prevail, an organization to help victims of crime. I did not make my involvement known in this program because I believed that a person who would not turn to the police for assistance would not be inclined to turn to a program that was sponsored by the county prosecutor. Although this program helped bring about some convictions, the primary focus was always to provide support and comfort to the victims.

With a continuing desire to help Hamilton County families, I also started a children's program called LEAPP (Linking Early Adolescent Prevention Program) so as to provide services to children and their families prior to the children's involvement in the juvenile justice system. Another program I started in our county is called the OSS Program (Out of School Suspension), which was designed to curtail children from getting into trouble and help them continue to learn while they were either suspended or expelled from school. In addition to these programs, I joined with Noblesville Schools to establish an alternative school to help students who were being expelled or dropping out of school to still earn a high school diploma. I formed the Hamilton County Traffic Safety Task Force and the Hamilton County Council on Alcohol and Other Drugs in an attempt to eliminate drug and alcohol involvement by Hamilton County youth and to instill leadership in our young people of the area. I joined with the Hamilton County Commissioners in a special recognition ceremony where awards and scholarships were presented to honor young people who had contributed time and talent to make Hamilton County a better place in which to live. I joined with law enforcement agencies to form the Hamilton-Boone Drug Task Force.

As the department head for this office, I oversaw all day-to-day operations. Over the course of 16 years I served with as many as nine deputy prosecutors at any given time and managed a staff of 25 individuals. Of my former deputy prosecutors, six are now Judges, one is a former elected prosecutor, and two are chief deputy prosecutors. I was employed by the citizens of Hamilton County and the State of Indiana, as this was an elected position.

5. Trial/Judicial

- A. Describe the extent of your jury trial experience, if any.

As set forth above and below, I have extensive experience working with both Grand Juries and Petit Juries from the perspective of civil and criminal trial attorney, prosecutor, and Judge.

- B. Describe the extent of your bench trial experience, if any.

As set forth above and below, I have extensive experience working with both Grand Juries and Petit Juries from the perspective of civil and criminal trial attorney, prosecutor, and Judge.

- C. If applicable, describe the nature and extent of your judicial experience (including as a judge *pro tempore*). Include a description of your experience presiding over jury trials, if any.

Judge of Hamilton Superior Court No. 1: When the presiding Judge of Hamilton Superior Court No. 1 retired, I ran and won in a contested election to serve as the Judge of this Court. From January 1, 1995 to present, I have served the citizens of Hamilton County and this state by resolving more than 40,000 cases, including more than 150 jury trials. This court presently has a pending case load of approximately 3,500 cases, not including re-docketed cases. In addition to a growing number of cases, the cases filed in my court also have increased in their complexity and in the volume of pleadings filed. I am the department head for this court, overseeing all day-to-day operations. I interact with nine other Judges and three Magistrates in Hamilton County, as well as the other elected officials. I have served as a Special Judge in several counties throughout the State of Indiana. I am proud of my law clerks who have gone on to have successful law practices, including one former law clerk who is now an elected prosecutor and another who is presently a law clerk for the Indiana Court of Appeals.

My 20 years as Judge of a general jurisdiction court has given me an opportunity to hear cases of all descriptions: Contracts, Negligence, Torts, Injunctions, Class Actions, Declaratory Judgments, Review of actions taken by Administrative agencies, Probate, Mental Commitments, Criminal cases, including Death Penalty, Life Imprisonment Without Parole and Post-Conviction Relief, Juvenile Delinquency and Child In Need of Services (CHINS), Adoptions, Guardianships, Dissolutions, Paternities, Name Changes, Medical and Legal Malpractice, Eminent Domain, Corporate Dissolutions, and Shareholders' Derivative Actions. In addition to the trials of these matters, I have conducted hearings on pretrial matters such as discovery issues, Motions in Limine, Motions for Summary Judgment, and Motions to Dismiss. I have also drafted and approved Preliminary and Final Jury Instructions. The numerous bench and jury trials over which I have presided have ranged from one day to six weeks.

Because most people called for jury duty are nervous about serving, I have developed a judge's opening dialogue to help explain the process, including a definition of the parts of the trial and legal terminology they are likely to hear but may not be familiar. To avoid unnecessary delays for the jurors, I try to conduct any necessary hearings before or after the jurors have appeared. I feel that because of these efforts, jurors feel more comfortable and know that we are doing our best to accommodate their needs and we value and appreciate their time. After the jury trial is completed, I always go to the jury room and personally thank each juror for their service. I am proud to say that more often than not, jurors have expressed to me that they have enjoyed serving in our court and being a part of our great judicial process. As stated, I am in my 20th year as a Judge and my present term will end December 31, 2018.

6. Professional Experience

Include as writing samples, four selections (in total) from the written materials listed below in Subsections 6A – 6C.

- A. If applicable, list up to five trial or appellate briefs and/or judicial opinions you have written. Refer to them by caption, case number, and filing date.

State of Indiana v. Anthony Delarosa, Cause No 29D01-0704-MR-000052; April 15, 2009. Sentencing Order for Life Without Parole from Jury Trial Conviction for Murder. Conviction and Sentence affirmed at 938 N.E. 2d 690 (Ind. 2010). PCR pending.

Ann O'Bryan v. Frank Workman, Cause No. 29D01-0903-PL-000393; December 16, 2009. Summary Judgment on Preliminary Determination of Law on Medical Malpractice. Appeal affirmed at 944 N.E. 2d 61 (Ind. Ct. App. 2011), Transfer denied at 962 N.E. 2d 641 (Ind. 2011).

Patricia Jakupko, Nicholas Jakupko and Matthew Jakupko v. State Farm Mutual Automobile Insurance Company, Cause No. 29D01-0308-CT-000682; January 18, 2006. Summary Judgment on issue of Negligence. Affirmed at 881 N.E. 2d 654 (Ind. 2008).

State of Indiana v. Gordon Vankirk, Cause No. 29D01-0901-FC-000012; Bench Trial conducted on November 8, 2010. Order issued finding the Defendant not guilty of Count 1 Operating a Vehicle After Forfeiture for Life, a Class C felony. Affirmed at 955 N.E. 2d 765 (Ind. Ct. App. 2011) Transfer denied at 963 N.E. 2d 1116 (Ind. 2012).

Ashley N. Lee v. Mary Kay Patchett, Cause No. 29D01- 1305-CT-4116; October 16, 2014. Interlocutory Appeal prior to the commencement of jury trial concerning the court's order granting Plaintiff's Motion in Limine barring evidence of payments to reimburse medical providers pursuant to the collateral source statute. Oral arguments were presented on October 13, 2015. Affirmed at 2015 Ind. App. Lexis 718.

(See Judicial Opinions and statute tab)

- B. If applicable, list up to five legislative drafts or court rules you have written or to which you contributed significantly. Refer to them by official citation, date, and subject matter.

During my 16 years as Hamilton County Prosecutor, I worked with our state legislators on many occasions to amend and improve legislation designed to protect our citizens. Based upon my knowledge and experience, I have been able to assist in the drafting of many amendments and/or new statutes to improve crime scene techniques, prosecute welfare fraud, protect endangered adults, improve procedures for tracking missing children and confinement of children, and improving victim assistance programs. As Judge, I was appointed and sat as a member of the Records Management

Committee where I helped draft various amendments to improve and clarify the statutes and trial rules. I also helped draft legislation to create a program designed to partner Hoosier communities, schools, and the business sectors help our at-risk children stay in school with mentoring, tutoring and coordination of services and in turn, avoid becoming a part of our juvenile and criminal justice system. More specifically, I am proud to also have been a part of the following:

1. H.E.A. 1107 - Section 1. I.C. § 31-9-2-9.9. Added in May of 2011 to the Indiana Code as a new section which amends the CASA/GAL statutes (I.C. § 31-32-3-11 and related) to create a Youth Assistance Program designed to help at-risk children stay in school through guidance and support of community mentors and tutors and coordination of services. This Bill was unanimously approved by both Houses of the Indiana General Assembly and signed into law by the Governor in a private ceremony.

2. Intra-State Transfer of Probation Supervision. Adopted by the Judicial Conference in December of 2008. As a member of the State Probation Committee, I assisted in the drafting of these new rules which now allow the transfer of probation to a court of another jurisdiction in Indiana under certain guidelines and criteria.

3. P.L. 133-2002 – Section 56. Helped to draft the initial statutory scheme for Protective Orders concerning domestic situations prior to the present structure of the law.

4. Hamilton County LR29-A00-108. Adopted in June of 2005. As Judge, I developed a Local Rule which closes a potential loophole in the safety and security of individuals by prohibiting any person from possessing a deadly weapon in the court, court offices, or in the hallways or areas adjacent to such court, including such weapons as a taser (as defined in I.C. § 35-47-8-3) electronic stun weapon (as defined in I.C. § 35-47-8-1) equipment, chemical substance, or other material that could be used in a manner capable of causing serious bodily injury.

5. Administrative Rule 9. Modified in July of 2010. Served on the Supreme Court Committee which adopted Administrative Rule 9 concerning Public Access to Court Records.

(see Judicial Opinions and statute tab)

- C. If applicable, list up to five of your contributions to legal journals or other legal publications. Provide titles, official citations, and a brief description of the subject matter.
- Although not published in legal journals or other legal publications, my assistance and writings have been implemented by different agencies to help improve justice system procedures, including the following:**

- A small business manual published to advise business owners in Hamilton County of their rights concerning bad checks, theft/shoplifting and shoplifting detention, and to establish a procedure between police agencies and the Prosecutor's Office.
- Materials explaining investigations and procedures to be used in Endangered Adult cases for courses taught at the Indiana Law Enforcement Academy.
- Crime scene protocol and written procedures to be used by local law enforcement agencies for assisting evidence technicians in preparation of criminal cases.
- Course materials for presentation to prosecuting attorneys, police, firemen, EMT's, hospital personnel, and judges in continuing legal education and other courses.
- Outline for Hearing Officers in Disciplinary Proceedings

D. Identify the five most significant legal matters entrusted to you, whether as a judge or lawyer, and describe why you believe them to be so.

1. **Matters Involving Children.** Matters involving children are of great significance and responsibility for a judge, whether in dissolutions, CHINS, juvenile delinquency, or status, or criminal cases with child victims. These cases are made difficult because they are emotional and the people involved sometimes struggle in testifying without having their emotions shape their answers. The courts should do everything possible to see that children enjoy a nurturing and happy childhood despite any traumatic event, and services must be provided based upon need and not upon the financial condition of the families. The challenge in this area is to find and develop services in the community to satisfy the needs of the children and families. It is important to have an active CASA/GAL program to help in the presentation of facts that need to be considered. In other cases, parenting time coordinators can help coordinate services and help parents get beyond the anger of their dissolution so that they can again see what is in the best interests of the children. In some cases, a remedy is needed that will protect the children from the very people who should be giving them love and support. It is therefore important to understand the agencies' programs and options that are available in the community to protect children. When children commit offenses, it is important to have available to them good risk assessment and mental health evaluations to develop proper programs to help improve negative behavior and to provide, when needed, services to the parents. I believe the Juvenile Justice system needs to not only impose appropriate punishment for offenses, but to also consider a course for true rehabilitation and guidance through mentoring and other positive reinforcement programs. We need to provide programs that lessen the effect of young people being influenced and guided by the environment in which they are

placed and the people with whom they choose to surround themselves. One of the overriding principles that must be found in any decisions made in cases involving children in that you are not only ruling on the issue at hand, but your ruling will have long term, even lifelong, effects.

2. **Matters Involving the Community.** A judge must be a leader in the community. A judge must have a burning desire and a commitment to serve the citizens who have elected him or her. A judge must be committed to working with individuals and groups to reach a consensus and make the system of government better so that the needs of the community can be fulfilled. Cases involving economic matters are significant because of the impact they have on the community. Business professionals and individuals must understand how agreements between people will be enforced. Decisions concerning negligence cases are needed to regulate the actions of people in the community and to determine where costs should be allocated. Decisions have to be consistent and predictable within the individual case or case type so that people will be able to understand what is required of them and attorneys will be able to counsel their clients properly. If there is no predictability, businesses, professionals and individuals will not wish to remain or develop within the community.
3. **Matters Protecting Citizens.** As Prosecutor, the most significant issue for me was to protect the citizens of Hamilton County. I believe that a community can only be adequately protected when the police and Prosecutor's office are the guardians of the rights of not only the victims, but also the defendants. Before a criminal prosecution should proceed, the facts and evidence must satisfactorily overcome the presumption of innocence. The goal that I had as Prosecutor in any criminal prosecution was two-fold: (a) That other individuals who wished to commit similar crimes in Hamilton County would be deterred by the prosecution of similar defendants and (b) that the individual defendants, due to the way they were treated in the system, would not commit any other crimes or victimize any other individuals. In some cases, this would mean probation and programming, but in other cases it may require the severest penalty appropriate under the law. As a judge, I think that one of the major tenets of the justice system is that people must believe that the judge will protect their rights and fairly resolve any disputed issues they may have. If they do not feel that they will be able to resolve disputed issues in a court, they will resort to self-help and the fabric of our community will be weakened. One of the highest compliments I believe a judge can receive is when an individual or attorney continues to come back to your court even after you have ruled against them because they believe you are fair.
4. **Matters to Improve the Justice System.** I believe that we have a duty as elected officials to improve the justice system. In this vein I have served on numerous committees and worked with several agencies, as well as helping draft several pieces of legislation. I have also taught the law to various groups and organizations because I believe it is important to not only educate the present generation but also the next. We need to provide a justice system where people

will have a fair and quick resolution for their disputes. We need to continue to develop and implement alternate dispute resolution procedures such as mediation so as to reduce the stress to the litigants and time needed for the resolution of issues. We must also be constantly looking for new and innovative ways to help prevent people from entering the juvenile or criminal justice system. The old concept that the threat of punishment will deter individuals or that punishment alone will correct improper behavior or criminal activity is not viable in all cases. If a person is addicted to drugs and is not provided services to help cope with that addiction, it will not make a difference if he or she is incarcerated for six months or ten years. The new concept we are trying in Hamilton County is to provide services at the earliest stage prior to being involved in the justice system. This can also be accomplished through youth programs such as the Youth Assistance Program that provides services through mentors, tutors and coordination of services so that children will stay in school and stay out of trouble. In looking at the costs of incarceration and to the individual and community, I believe we need to take action to decrease the number of people going to prison rather than just focusing on providing services after they are in prison. The justice system is at its best when it improves the legal status of everyone.

5. Matters Involving the Courtroom. Judges must render consistent decisions to deal not only with the specific case, but also to set forth the overall legal principles to help citizens and attorneys resolve similar factual circumstances. The citizens in a community must believe that the judge will not be afraid to hear cases of first impression or complex cases and resolve hard issues. Judges need to have broad and well-rounded experience in all types of law so that they will be able to properly administer justice. Judges must have the ability to listen intently, rule fairly, and administer justice impartially after sincere analysis, careful thought, and deliberation. Judges must ensure that the best procedure or forum is used to deal with *pro se* litigation so as to protect the rights of all parties. Finally, I believe that because the courtroom is often filled with tension, the judge must treat the litigants and their attorneys with courtesy. Demonstrating courtesy will permit the litigants to feel they are receiving a fair hearing and will receive a fair resolution. To a litigant, their case is the most important case in the court, and I have always tried to keep that in mind as I hear their case.

7. Efforts to Improve the Legal System, Administration of Justice, or Society

- A. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) toward the improvement of the law, the legal system, or the administration of justice. Include a description of any management or leadership roles you undertook to achieve these goals, and describe any specific instances in which your collaborative efforts helped achieve these goals.

In conjunction with Hamilton Circuit Court Judge Paul Felix, Westfield Mayor Andy Cook, and Westfield Washington Schools Superintendent Mark Keen, I

modified the LEAPP (Linking Early Adolescent Prevention Program) to become the Youth Assistance Program. The pilot for this program was commenced in Westfield, Indiana, to help at-risk children stay in school and not become involved in the Juvenile Justice system. This program has expanded to all school districts in Hamilton County and also to schools in Boone, Monroe, and Shelby counties. I also had the pleasure of assisting in the drafting of I.C. 31-32-3-11 and related statutes (H.E.A. 1107) in hopes that children and families can be helped in all school districts throughout our state by this program. Other contributions are as follows:

- Presented to the Indiana State Bar Association the Youth Assistance Program and its merits in helping our youth stay in school with the assistance of mentors and tutors so that they will avoid becoming a part of the juvenile justice system.**
- Presented to the Indiana School Boards Association/Indiana Association of Public School Superintendents during their annual Conference on September 28, 2015 the Hamilton County Youth Assistance Program and its merits as set forth above**
- Presented to the Hamilton County Bar Association the Hamilton County Youth Assistance Program and its merits as set forth above**
- Speaker, Westfield Youth Assistance Recognition Breakfast, honoring the young people who have participated and benefitted from the Youth Assistance Program and risen above the obstacles in their life to succeed in school.**
- Coordinated efforts with Noblesville Schools to provide schooling for students in the Juvenile Justice Services Center and programs to assist juveniles and families involved in the juvenile justice system.**
- Helped establish the Hamilton County Youth Task force, which focuses on youth issues and the Hamilton County Leadership Conference which develops leaders in the schools to help eliminate alcohol and drugs among young people. Worked with school personnel and students to be sure we were addressing the issues the students believed were important.**
- Worked with schools to establish the Hamilton County Out Of School Suspension Program (OSS) to reduce the number of students encountering delinquency issues while suspended.**
- Speaker and assisted with establishing the Alternative School in Noblesville, Indiana. This school was designed to help students earn their high school diploma rather than dropping out of school. Worked with school personnel and students to meet the needs of both so that students could successfully graduate.**
- Speaker in law classes in all Hamilton County school districts and assisting with mock trials for Carmel and Hamilton Heights Schools.**

- **Annual Speaker, Crisis Intervention Training, Hamilton County. Prepared and provided written materials in a training session conducted each year in conjunction with law enforcement agencies and the Hamilton County Prosecutor to assist police agencies in various emergency issues that arise involving individuals who may be mentally ill.**
- **Established the Endangered Adult Protection Team to assist endangered adults in Hamilton County. Worked with local attorneys, law enforcement and various agencies to develop and share practices and protocols under the statutes for appropriate investigation, determination, assistance and protection for elderly and mentally disabled adults in Hamilton County.**
- **Conducted seminars on proper investigatory techniques for child abuse and domestic violence cases.**
- **Speaker, Light of Hope Event for child Abuse Prevention Month, Noblesville, Indiana**
- **Recognized by the Hamilton County Sheriff's Department and Prevail for community leadership and service**
- **Graduation Speaker, Indiana Law Enforcement Academy, Plainfield, Indiana, and served as Lecturer on numerous other occasions**
- **Graduation Speaker, Hamilton County Community Corrections, numerous times**
- **Speaker, Attorney General Conference for Prosecutors on topics such as death penalty, trial tactics, trial of OWI cases, welfare laws and the role of prosecution.**
- **As Prosecutor, I worked with Dr. Don Marlin to establish protocols and procedures for presentation of evidence in criminal prosecutions requiring forensic dentistry**
- **Planned and presented programs for newly-elected prosecutors concerning needs of a prosecutor's office and how to effectively help citizens within their counties.**
- **Helped establish Hamilton County "Crime Stoppers" and "Neighborhood Crime Watch" programs. Worked with law enforcement agencies and citizens groups to coordinate and provide information to successfully implement these programs.**
- **Assisted in mock trials for the Trial Advocacy course at the Indiana University School of Law.**
- **Speaker, graduation ceremonies for several Hamilton County D.A.R.E. programs**

- **Speaker, Vising Nurse Service, Inc. “Children Cope With Divorce”**
- **Conducted seminars in Hamilton County and published a manual for small business owners concerning their rights. Distributed this manual to police and prosecutor personnel and coordinated their efforts in response to any business complaints.**
- **Speaker, Pro Bono Program, Legal Services Organization of Indiana, Inc. “Hearings or Settlement” Provisional, Final, Contempt Issues”**
- **Former member, Task Force on Public Access to Court Records**
- **Served as mentor to new prosecutors**
- **Served as mentor judge to new judges**
- **As Prosecutor, redrafted the Uniform Traffic Ticket (UTT) for the State of Indiana**
- **Served on the committee to redraft Driving Under the Influence forms to reduce time spent completing such forms, thereby providing the officer more time to patrol the road. Hamilton County was the pilot county for use of these new forms.**
- **Speaker, Meeting of Hamilton County Prosecutor’s Office. “The Importance of the Prosecutor in the Legal System: From the File Clerk to the Most Experienced Deputy”**
- **Conducted Reserve Police Training for several police departments**

B. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) concerning civic, political, or social issues. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

- **Worked with several individuals to establish Prevail, a victim assistance organization in Hamilton County for victims of elderly abuse, domestic violence, child abuse, rape, and other violent crimes. Worked with other agencies to coordinate and provide services. The program has grown to be a successful and valuable resource to many of our Hamilton County citizens**
- **Established Hamilton County LEAPP (Linking Early Adolescent Prevention Program) to provide services at the earliest point to children and their families. This program has now been converted into the Hamilton County Youth Assistance Program**
- **Speaker, Linking Early Adolescent Prevention Program (LEAPP): “You are Important: Your Words or Actions Today May Influence Millions of People Tomorrow”**

- Established with the Westfield Mayor, the Superintendent of Westfield-Washington School district, and the community, the Westfield Youth Assistance Program. This program was a pilot program which has been expended to all other school districts in Hamilton County
- I have worked with school officials and juvenile court judges in Boone and Shelby counties to expand the Youth Assistance Program to these counties. Recently I worked with Commissioner Steven Braun of Indiana Workforce Development and Monroe County Judge Stephen Galvin to provide a two-year grant for the Program in Monroe County. I am working with Marion County Judge Marilyn Moores and other school and government leaders to establish programs in Marion County
- Speaker, Governor's Task Force on Drug Enforcement, Treatment and Prevention on September 16, 2015 on how we can prevent individuals from becoming part of the juvenile and adult criminal justice system through the Youth Assistance Program
- Worked with law enforcement agencies, school officials and other agencies to establish the Hamilton County Traffic Safety Task Force and the Hamilton County Council on Alcohol and Other Drugs, designed to reduce the abuse of alcohol and drugs.
- Speaker, Hamilton County Legacy Fund Workshop for School Guidance Counselors: Summit on Underage Drinking. "Our Efforts Today Will Make a Difference for Tomorrow"
- Served in 1984 as Chairman of Hamilton County United Way and worked with projects in conjunction with the Community Service Council. I was also Chairman of the Committee for Establishment of the Local United Way Office 1985-86 and served on the Advisory Board of The United Way.
- Speaker, Indiana Youth Services Assistance (IYSA): "A Look at Youth Programs Available in Hamilton County"
- Speaker, Middle School Youth Summit: "Developing the Voice of Indiana Youth"
- I am in the process of developing a mentoring program for individuals incarcerated at the Hamilton County Jail by using a program developed by The Jehoshua House for individuals in the prison system
- Speaker, National Day of Prayer, numerous times
- Served on the Committee for Hamilton County Emergency Housing
- Served on the Governor's Commission for a Drug-Free Indiana
- Speaker, Military Officer Association of America: "Hamilton County Court System"

- **Established the Hamilton County Civil Defense and/or countywide Response Team**
- **Worked with youth in Hamilton County in various programs (Boy Scouts, Boys and Girls Club, etc.)**
- **Worked with the various Hamilton County Township Trustees and other officials to establish a Homeless Shelter for Hamilton County**
- **Worked with Fishers Mayor Scott Fadness to develop a program for individuals serving on work release to have employment with the City of Fishers through Hamilton County Community Corrections.**
- **Worked with Aspire Indiana, Community North Hospital, and schools concerning mental health issues of young people.**
- **Worked and served on a board with several officials to establish a Domestic Violence Shelter for Hamilton County**
- **I am currently involved with other judges and elected officials concerning a project for pretrial release, including the possible development of a half-way house to assist individuals with integration back into society.**
- **Speaker, Academic Honors Presentation at Westfield High School**
- **Speaker, Mosaic School, Carmel, Indiana on the Youth Assistance Program**
- **Speaker, Carmel American Legion on the Youth Assistance Program**

C. Describe your efforts, achievements, or contributions (including written work, speeches, or presentations) to improve your local, state, or national community through charitable work or public service. Include a description of any management or leadership roles you undertook in this area, and describe any specific instances in which your collaborative efforts in this area led to a successful result.

(all dates are approximate)

- **Church work: Have served as Elder, Sunday School teacher, President of the Congregation, Instructor for confirmation candidates on legal and civic issues, and substitute for pastor, delivering the message on Sunday morning**
- **Former member, Constitutional Committee for Indiana Lutheran District**
- **Speaker, dedication of football fields at Dillon Park and Induction of Inaugural Class for the Hall of Fame**
- **Coached Noblesville Grinders Football (Grades 4,5, & 6), Noblesville Elementary Soccer League, and Noblesville Baseball League. Received the Noblesville Elementary Football League Hall of Fame Award in 2012**

- **Former member, Noblesville Kiwanis, approx. 1984-1994**
- **Former board member, Boys and Girls Club of Noblesville, approx. 1990-2000.**
- **Former member, Board of Directors, American Red Cross of Hamilton County, approx. 1982-1988.**
- **Former Chairman, Hamilton County Traffic Safety Task Force, approx. 1984-1989.**
- **Member and presently hold a position on the Executive Board of Directors of the Noblesville Elementary Football League. Also a former member of Board of Directors, President, Secretary and Advisor to the Board of the League, approx. 1982 to present.**
- **Member and current President of the Hamilton County Council on Alcohol and Other Drugs, part of the Governor's Commission for a Drug-Free Indiana, approx. 1989 to present.**
- **Ex-Officio Member of the Board of the Hamilton County Youth Assistance Program, including Westfield, Noblesville, Hamilton Southeastern, Hamilton Heights, Sheridan and Carmel.**

D. Describe the nature and extent of any *pro bono* legal services you have contributed.

While in private practice, I donated time to assist individuals and organizations within the community who needed legal services. Since taking the bench, I have worked with the other judges in Hamilton County to provide quality attorneys for *pro bono* civil and criminal representation.

E. Indicate your experience teaching law. Provide the dates, names of institutions or programs, and a description of the subject matter taught.

(all dates are approximate)

- **Indiana Law Enforcement Academy, Plainfield, Indiana. Recognized as Guest Lecturer. Taught courses on Evidence Collecting and Presentation, Endangered Adults, and Elderly Abuse (1984-1994)**
- **University of Indianapolis, Indianapolis, Indiana. Adjunct Professor. Taught Paralegal Studies: Legal Research and Writing, Business Law (Master's Program) and a course concerning the Civil Rights Act (1983-1994)**
- **Indiana University/Purdue University at Indianapolis. Guest Lecturer on journalism concerning media and public officials, and also criminal law (2003-2005)**
- **Indiana Prosecuting Attorneys Council (IPAC): Various courses for prosecuting attorneys throughout the state (Pre-1995)**
- **Legal Services Organization of Indiana, Inc., *Pro Bono* program. Lecturer: "Hearings or Settlement? Provisional, Final and Contempt Issues" (1995)**
- **Hamilton County Sheriff's Department, local police agencies, fire departments, EMT's, and hospital personnel in Hamilton County. In-service training on courses including the following: Evidence Collecting and Presentation; Protocols for Coroners' Evidence Collection; Forensic Dentistry; Arson Investigation; Hospital Protocol for Blood-Drawing and Evidence Gathering; Report Writing; Proper Procedures concerning Mental Commitment cases; Trial Presentation of Evidence. Conducted mock trials. Some of these courses also were attended by officers from other jurisdictions (1977-1994)**
- **Indiana University School of Law at Indianapolis: Served as Judge in course on Trial Practice and for Moot Court (1995-present)**
- **Hamilton County Sheriff's Department, Reserve Deputies, Lecturer: "What is Needed by the Prosecutor and the Court from the Police." (2009)**
- **Indiana Commission for Continuing Legal Education. Taught the following:**
 - 7/26/95 Indiana Continuing Legal Education Forum (ICLEF):
Juristic Park-Hamilton County**
 - 9/11/96 Indiana Judicial Center (IJC): Speaker at Annual Meeting
of the Indiana Judicial Conference**

10/17/96 Indiana Prosecuting Attorneys Council (IPAC): Domestic Violence

11/22/96 IJC: New Judges Pre-Bench Orientation

1/22/97 IJC: New Judges Orientation

7/19/97 IJC: City & Town Court Judges Annual Meeting

5/6/98 ICLEF: Civil Discovery: Tough Issues Argued

5/21/98 IJC: Recent Legislation

5/28/98 Indiana Legal Services, Inc.: How to Do a Divorce & Introductory Aspects of Family Law

11/20/98 IJC: New Judges Pre-Bench Orientation

1/26/99 IJC: Orientation for New Juvenile Judges

12/6/00 ICLEF: Indiana Judges on Indiana Evidence: The Tough Issues

12/7/00 IJC: New Judge Pre-Bench Orientation

9/12/01 IJC: Annual Meeting of the Judicial Conference

1/30/03 ICLEF: Adoptions & Contested Issues

1/24/06 ICLEF: Contested Adoptions – How to Avoid, Try and Appeal

11/3/06 Boone County Bar Association: Opening and Closing Bench and Jury Trials

11/7/08 National Business Institute Trial Practice/Judicial Forum, Presenter: “A View From The Bench: Evidence and Expert Testimony Best Practices”

2/20/09 Meridian Psychological Associates, PC: “Psychological Testing and the Law”

8. Memberships and Other Activities

A. List any memberships and offices you have held in professional organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

(all dates are approximate)

- **Appointment by Governor Otis Bowen to State and Regional Law Enforcement Assistant Association (LEAA) (1980)**
- **Appointment by Governor Robert Orr to serve on the Criminal Law Study Commission; served on Adult and Juvenile Sub-Committee**
- **Elected by Prosecutors across the State of Indiana to the Board of Directors of the Indiana Prosecuting Attorneys Council (IPAC) (1979); Elected to the positions of Secretary/Treasurer in 1983, Vice Chairman in 1984, and Chairman in 1985 and 1986. Served as Chairman of the Computer Committee. Served on the Committee for Legal Review and the Ethics Committee**
- **Established and served as Chairman of the Hamilton County Traffic Safety Task Force, involving programs such as Alcohol Countermeasures, School Traffic Safety, Non-Motor Traffic Safety, Occupant Restraint and Roadway Environment (1984-1989)**
- **Former Board of Directors Member and Treasurer, Hamilton County Fraternal Order of Police (1977-1994)**
- **Member, Committee on Character and Fitness, Indiana Supreme Court (1993 to present)**
- **Member, Indiana Judges Association (1995 to present)**
- **Former Member and Chairperson, Judicial Ethics Committee, Judicial Conference of Indiana**
- **Member, Indiana Council of Juvenile and Family Court Judges (1995 to present)**
- **Member, National Council of Juvenile and Family Court Judges (1995 to present)**
- **Member, American Judicature Society.**
- **Former member of the Probation Committee, Judicial Conference of Indiana (2007-2014)**
- **Member, Hamilton County Bar Association**
- **Member, Indiana State Bar Association**

- **Past Member, Records Management Committee, Indiana Supreme Court; Chairperson, Trial Rule 77 Sub-Committee**
- **Former Member at Large of the Indiana Association of Judges**

B. List any memberships and offices you have held in civic, charitable, or service organizations, including dates and descriptions of the purposes of the organizations and of your involvement.

(all dates are approximate)

- **Chairman of Hamilton County United Way. Worked with projects in the United Way and Community Service Council. (1984) Chariman of the Committee for Establishment of the Local United Way Office (1985-1986) and served on the Advisory Board of United Way**
- **Former Member, Noblesville Kiwanis (1984-1994)**
- **Former Board Member, Boys and Girls Club of Noblesville, Indiana (1990-2000)**
- **Former Member, Board of Directors, American Red Cross of Hamilton County (1982-1988)**
- **Former Chairman, Hamilton County Traffic Safety Task Force (1984-1989)**
- **Member and presently hold a position on the Executive Board of Directors of the Noblesville Elementary Football League. Also Former Member, Board of Directors, President, Secretary, and Advisor to the Board of Directors (1982 to present)**
- **Member and current President, Hamilton County Council on Alcohol and Other Drugs, a part of the Governor's Commission for a Drug-Free Indiana (1989 to present)**
- **Ex-Officio Member of the Board of the Westfield Youth Assistance Program (2010 to present) and Youth Assistance Programs through the Hamilton County School Districts of Noblesville, Hamilton Southeastern, Hamilton Heights, Sheridan and Carmel, in addition to assisting with the introduction of the Youth Assistance Program in schools located in the counties of Boone, Shelby, and Monroe. Also coordinating the program to partner with Indiana Workforce Development.**

C. List any memberships you hold in social clubs or organizations. If any restrict its membership on the basis of race, sex, religion, or national origin, please describe your efforts within the organization to eliminate restrictions.

None

D. Describe your hobbies and other leisure activities.

I enjoy traveling and being with my wife and family. I enjoy hiking and walking and also playing an occasional game of golf. My grandson plays sports in Noblesville and we enjoy watching him and attend most of his baseball, basketball and football games. We also attended numerous football games when our son coached at Noblesville and Lawrence North High Schools as well as Morgantown, West Virginia School. He is now a coach at Mater Academy Charter High School in Hialeah, Florida.

9. Legal Proceedings

A. List any lawsuits or legal proceedings in any jurisdiction, including but not limited to bankruptcies, dissolutions, and criminal matters to which you have been a party. Provide dates, case numbers, courts, names of other parties, and, if needed, a brief explanation. (If minor children are involved [i.e. an adoption], use initials only.)

I have been named in only one lawsuit, which was my divorce in Hendricks County in 1980, entitled Donna J. Nation v. Steven R. Nation, Cause No. C80-28. I am excluding the cases in which I was named where statute requires the Prosecuting Attorney to be named and/or where people filed lawsuits against me as Prosecuting Attorney which were defended by the Attorney General and ultimately dismissed.

B. If you ever have been arrested or cited for any violation of the law other than for routine traffic violations, provide dates, jurisdictions, and an explanation of the event and its resolution.

None

C. If you have been disciplined or cautioned, formally or informally, by the Indiana Supreme Court Disciplinary Commission, by the Indiana Commission on Judicial Qualifications, by the Indiana Supreme Court, or by similar entities in any other jurisdiction, identify each instance by date, case number (if applicable), and describe the circumstances and the nature of the outcome or resolution.

As Prosecutor, I remember having only one complaint filed against me by the father of an individual I was prosecuting for murder. As Judge, there have been approximately 20 individuals involved in litigation in my court who have subsequently filed complaints against me. These complaints have been reviewed by the Disciplinary Commission and have all been determined to be unfounded and not a deviation from the Code of Ethics. Every such complaint has been closed without any action against me.

- D. If you have any outstanding federal, state, or local tax obligations, please itemize and explain.

None

10. References

- A. Provide the names of three attorneys who have been your professional adversaries in your practice or who have litigated substantial cases in your court and who would be in positions to comment on your qualifications for appointment to the Indiana Supreme Court (contact information to be included in Part Two of this application).

James H. Voyles

Charles P. Rice

William N. Riley

- B. Provide the names of three professional references other than those listed in Subsection 10A (contact information to be included in Part Two of this application).

The Honorable Wayne A. Sturtevant

The Honorable Daniel E. Henke

The Honorable Jerry M. Barr

- C. Provide the names of three personal references other than those listed in Subsection 10A or 10B (contact information to be included in Part Two of this application).

Thomas A. Pyrz

Stephen K. Andrews

Kathy Richardson

11. State Police Release Form and Photograph

- A. Complete a State Police release form printed on green paper (you may obtain the release form by contacting the Nominating Commission Office at 317-232-4706). Include the release form with the original application only and not with the copies.
- B. Attach a recent photograph of you to the front of the original application and to each copy of your application. (This allows the Commission members to put a face with a name if you are interviewed in person.)

Date

Applicant Signature

Printed Name